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Agenda item 167

# Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

## Report of the Sixth Committee

*Rapporteur*: Mr. Mahmoud M. **Al-Naman** (Saudi Arabia)

## I. Introduction

1. The item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" was included in the provisional agenda of the fifty-sixth session of the General Assembly pursuant to Assembly resolution 55/175 of 19 December 2000.

2. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 4th to 6th and 27th meetings, on 9 and 10 October and 19 November 2001. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/56/SR.4-6 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (A/55/637).

## II. Consideration of draft resolution A/C.6/56/L.18

5. At the 27th meeting, on 19 November, the representative of New Zealand, on behalf of Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, Croatia, Denmark, Ecuador, Fiji, Finland, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Malta, Monaco, the Netherlands, New Zealand, Nigeria, Norway, Portugal, the Republic of Korea, Sierra Leone, Spain, Sweden, Ukraine and the United States of America, subsequently joined by France, Greece, Luxembourg,

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Poland and Romania, introduced a draft resolution entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" (A/C.6/56/L.18).

6. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

7. Also at the same meeting, the Committee adopted draft resolution A/C.6/56/L.18 without a vote (see para. 8).

# III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

## Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

*The General Assembly*,

*Recalling* its resolution 55/175 of 19 December 2000 on the safety and security of humanitarian personnel and protection of United Nations personnel,

*Recalling also* its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

*Recalling further* the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,[1] drawing attention to the safety and security problems faced by United Nations and associated personnel,

*Reaffirming* the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as the relevant provisions of human rights and refugee law,

*Deeply concerned* by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

*Expressing concern* that locally recruited personnel are particularly vulnerable to attacks,

*Welcoming* the recent increase in the number of States that have become parties to the Convention, which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by fifty-five States as at the date of the present resolution,

*Mindful* of the need to promote universality of the Convention,

[1] S/2000/1133, annex.

1. *Expresses its appreciation* to the Secretary-General for his report on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,[2] and takes note of the recommendations contained therein;

2. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;

3. *Takes note* of the report of the Special Committee on Peacekeeping Operations with regard to the safety and security of United Nations and associated personnel and the scope of existing legal protection and its recommendations;[3]

4. *Recommends* that the Secretary-General continue to seek the inclusion of relevant provisions of the Convention in the status-of-forces or status-of-mission agreements concluded by the United Nations;

5. *Encourages* the Secretary-General and relevant bodies within the United Nations system to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen protection for United Nations and associated personnel;

6. *Recognizes* the need to consider the safety and security of locally recruited personnel, who are particularly vulnerable and account for the majority of casualties;

7. *Decides* to establish an Ad Hoc Committee open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency to consider the recommendations made by the Secretary-General in his report[2] on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel;

8. *Requests* the Secretary-General to invite the International Committee of the Red Cross to participate as an observer in the deliberations of the Ad Hoc Committee;

9. *Decides* that the Ad Hoc Committee will meet from 1 to 5 April 2002, and recommends that, following the submission of the report of the Ad Hoc Committee, the Sixth Committee consider whether to continue this work during the fifty-seventh session of the General Assembly from 7 to 11 October 2002 in the framework of a working group of the Sixth Committee;

10. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at its fifty-seventh session;

11. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".

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[2] A/55/637.

[3] A/55/1024 and Corr.1, sect. III.F.